

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SGT. KENDRIA NEWSOME

§

§

Plaintiff,

§

§

V.

§

§

NO. 4:17-CV-330

SAN JACINTO COLLEGE DISTRICT,

§

(JURY DEMANDED)

§

Defendant.

§

§

**DECLARATION OF SCOTT POERSCHKE FOR
DEPOSITION OF VICKIE DEL BELLO**

1. My name is Scott Poerschke. I am over the age of twenty-one (21) years, have never been convicted of a felony, and I have personal knowledge of the facts stated herein, which are true and correct. I am counsel of record for the Plaintiff in the above-styled case.
2. On July 11, 2018, I attended the deposition of one witness presented by the Defendant in this case: Vickie Del Bello. I was physically present throughout all portions of the testimony given on that date, and I personally heard all of the testimony given by Vickie Del Bello.
3. I recorded the testimony of Ms. Del Bello using audiovisual, non-stenographic means (a video recorder with microphone to capture all audio as well as video and an audio recorder) - as permitted by Fed. R. Civ. P. 30(b)(3)(A). This method of recording was specifically set forth in Plaintiff's notice of deposition (also in accordance with Fed. R. Civ. P. 30(b)(3)(A)). Defendant has made no objection to this form of recording, or to the lack of stenographic recording.
4. The audiovisual recordings were captured by, and consist of, several consecutively recorded .mov¹ files. I have reviewed the audio recordings (in .mov file format) of the deposition testimony in their entireties. I confirm that these recordings are faithful,

¹ "MOV" is a digital multimedia container format used to store video and audio data.

complete, and true and correct recordings of the deposition that was conducted on July 11, 2018.

5. Neither the deponents', nor the attorneys' appearances or demeanors were distorted through this recording technique.
6. The depositions were conducted before an officer authorized to administer oaths in the State of Texas, in accordance with Fed. R. Civ. P. 28.
7. Defendant's counsel of record was present during all portions of the deposition testimony presented on July 11, 2018, and had full opportunity to make objections and examine the witnesses.
8. Complete, true and correct, and unaltered copies of the .mov files of the audiovisual recordings of the depositions were provided on an SD card to Defendant's counsel of record on July 11, 2018, immediately at the conclusion of the deposition.
9. The audiovisual recording of Ms. Del Bello's testimony consists of 8 consecutive .mov files, as follows:

 875G0022.MOV	Jul 11, 2018, 9:37 AM	717.3 MB	QT movie
 875G0023.MOV	Jul 11, 2018, 9:52 AM	3.71 GB	QT movie
 875G0024.MOV	Jul 11, 2018, 10:07 AM	3.71 GB	QT movie
 875G0025.MOV	Jul 11, 2018, 10:22 AM	3.71 GB	QT movie
 875G0026.MOV	Jul 11, 2018, 10:37 AM	3.71 GB	QT movie
 875G0027.MOV	Jul 11, 2018, 10:41 AM	1.19 GB	QT movie
 875G0028.MOV	Jul 11, 2018, 11:08 AM	3.71 GB	QT movie
 875G0029.MOV	Jul 11, 2018, 11:09 AM	229.8 MB	QT movie

Order of .mov file	Length	Flash Drive ("Exhibit")	Transcript
875G022.MOV	2 min., 5 sec.	C	Del Bello Exhibit 1
875G023.MOV	14 min., 54 sec.	C	Del Bello Exhibit 2
875G024.MOV	14 min., 45 sec.	C	Del Bello Exhibit 3
875G025.MOV	14 min., 50 sec.	C	Del Bello Exhibit 4
875G026.MOV	14 min., 50 sec.	C	Del Bello Exhibit 5
875G027.MOV	4 min., 46 sec.	C	Del Bello Exhibit 6
875G028.MOV	14 min., 42 sec.	C	Del Bello Exhibit 7
875G029.MOV	55 sec.	C	Del Bello Exhibit 8

10. A true and correct copy of Ms. Del Bello's testimony is being submitted to the Court in support of *Plaintiff's Response to Defendant's Motion for Summary Judgment* (e-filed July 16, 2018) ("the Motion"). Because video files cannot be submitted via the Court's ECF filing system, a flash storage drive containing the .mov files, and a copy of this declaration, is being separately submitted to the Court in a 6"x9" envelope marked as

"Exhibit C." Exact copies of these same .mov files have also been provided to Defendant's counsel of record.

11. The files being submitted in support of the Motion are a faithful, true and correct recording of Ms. Del Bello's deposition testimony on July 11, 2018. It has not been altered in any way. No other edits were made to the content of the video file. Neither the deponent's, nor the attorneys' appearances, voices, testimony, or demeanors were distorted in any way.
12. Ms. Del Bello confirmed that she is an employee of Defendant San Jacinto College. Her testimony concerned matters within the scope of his employment relationship with the San Jacinto College, which she confirmed.
13. The following is a true and correct transcription of the audiovisual recording of Ms. Del Bello's deposition testimony, as well as a true and correct transcription of what was said at the deposition of Vickie Del Bello on July 11, 2018. The transcription has been marked as "Del Bello Exhibit 1," "Del Bello Exhibit 1," "Del Bello Exhibit 2," "Del Bello Exhibit 3," "Del Bello Exhibit 4," "Del Bello Exhibit 5," "Del Bello Exhibit 6," "Del Bello Exhibit 7," and "Del Bello Exhibit 8," to correspond to the appropriate file name as indicated in the table.
14. I declare under penalty of perjury that the following is true and correct.

SIGNED on the 16th day of July, 2018:

/s/ R. Scott Poerschke
R. Scott Poerschke

DEL BELLO EXHIBIT 1

1 David Monroe: [00:00](#) Going on the record at 9:34 a.m.

2 Nicki Basture: [00:06](#) My name is Nicki Basture. My business
3 address is 2322 Postwood Park Lane, Spring,
4 Texas 77373. My notary ID number is
5 129197958. My notary ID expires on November
6 8, 2020. The deponent is Vickie Del Bello,
7 identified by the defendant as a designated
8 30B6 witness. The deposition is being held
9 on July 18th, I mean July 11, 2018. The
10 time is 9:33 a.m. The deposition is being
11 taken at Thomson and Horton, located at
12 3200 Southwest Freeway, Suite 2000,
13 Houston, Texas 77027. Present is counsel
14 for the plaintiff, R. Scott.

15 Scott Poerschke: [01:10](#) Poerschke.

16 Nicki Basture: [01:10](#) Poerschke. Present is the videographer,
17 David Monroe. Present is counsel for the
18 defendant, Jessica N. Witte and/or Arturo
19 Michel.

20 Arturo Michel: [01:24](#) Michel.

21 Nicki Basture: [01:24](#) Michel.

22 Arturo Michel: [01:25](#) And it's "witty" as well. Jessica N. Witte.
23 Just to be ...

24 Nicki Basture: [01:31](#) Okay. Present is the counsel for the
25 defendant is Jessica N. Witte and/or Arturo
26 Michel. The parties stipulate to hold the
27 deposition per the federal rules of civil
28 procedure. The parties allow me, the
29 officer to lead the deposition and allow
30 Mr. Monroe to record breaks and when the
31 deposition ends. Plaintiff shall
32 immediately tender an SD card containing a
33 copy of the entire deposition to allow the
34 defendant to copy the video of the
35 deposition. Defendant agrees to return the
36 SD card to the plaintiff within five
37 business days after a copy of the
38 deposition has been made.

39 Nicki Basture: [02:20](#) Would you please raise your right hand. Do
40 you swear to tell the truth, the whole
41 truth and nothing but the truth so help you
42 God?

43 Vicki Del Bello: [02:28](#) I do. Or yes.

44 Nicki Basture: [02:28](#) Yes.

45 Vicki Del Bello: [02:31](#) Yes, okay.

46 Nicki Basture: [02:31](#) Okay, you have been sworn in.

47 Vicki Del Bello: [02:33](#) Okay.

48 Jessica Witte: [02:33](#) Did you want-

49 Arturo Michel: [02:33](#) Oh no, that's good. David, let's go off the
50 record just for a second. Just to ...

51 David Monroe: [02:41](#) Okay, going off the record at 9:36 AM.

52

DEL BELLO EXHIBIT 2

1 David Monroe: [00:00](#) Going on the record at 9:37 a.m.

2 Scott Poerschke: [00:04](#) Can you state your name for the record
3 please?

4 Vickie Del Bell: [00:04](#) Yes, Vickie Del Bello.

5 Scott Poerschke: [00:07](#) Now Miss Del Bello, is it your
6 understanding that you've been designated
7 as a witness, as a representative of the
8 college here today, is that your
9 understanding?

10 Vickie Del Bell: [00:14](#) Yes.

11 Scott Poerschke: [00:14](#) Okay. And you've been designated to testify
12 about certain topics, and just to confirm
13 with Jessica, those are the topics as
14 expressed in a email that you sent to me
15 yesterday, is that correct?

16 Jessica Witte: [00:29](#) Yes.

17 Scott Poerschke: [00:30](#) Okay. So I'm just going to go through and
18 talk about-

19 Vickie Del Bell: [00:34](#) Sure.

20 Scott Poerschke: [00:36](#) ... Just briefly, what is your position at
21 the college currently.

22 Vickie Del Bell: [00:41](#) I'm the Director of Employee Relations
23 Performance Management and Benefits.

24 Scott Poerschke: [00:45](#) Okay. And you've been a director for how
25 long?

26 Vickie Del Bell: [00:50](#) Seven years.

27 Scott Poerschke: [00:53](#) And that would be going back seven years
28 from the present, which is approximately?

29 Vickie Del Bell: [00:59](#) 2011.

30 Scott Poerschke: [01:00](#) Okay. And you've been the director of ...
31 been in ... of your title in Human
32 Resources since 2011 for seven years, is
33 that correct?

34 Vickie Del Bell: [01:09](#) So just to clarify ... I'm sorry.

35 Scott Poerschke: [01:11](#) That's okay.

36 Vickie Del Bell: [01:13](#) I was the Director of Employee Relations
37 and Performance Management since 2011. In
38 2013 they added the benefits piece.

39 Scott Poerschke: [01:29](#) All right, so Employee Relations now was
40 the second part?

41 Vickie Del Bell: [01:32](#) Performance management, and that was in
42 2011. And then in '13 they added benefits.

43 Scott Poerschke: [01:49](#) And what are your responsibilities as
44 Employee Relations?

45 Vickie Del Bell: [01:54](#) So within that role, we guide leaders,
46 guide employees. If they have questions
47 regarding the policies, or they have
48 concerns-

49 Scott Poerschke: [02:06](#) Just to clarify, you say they, do you mean
50 employees?

51 Vickie Del Bell: [02:10](#) ... The employees and leaders, right, all
52 employees.

53 Scott Poerschke: [02:12](#) And when you mean leaders, are you talking
54 about supervisors?

55 Vickie Del Bell: [02:14](#) Mm-hmm (affirmative). Supervisors,
56 managers, other directors.

57 Scott Poerschke: [02:23](#) And that includes the college police
58 department, is that correct?

59 Vickie Del Bell: [02:26](#) Yes.

60 Scott Poerschke: [02:29](#) And in terms of, you understand that the
61 college police department has different
62 ranks, is that your understanding?

63 Vickie Del Bell: [02:33](#) Yes.

64 Scott Poerschke: [02:34](#) Okay. And when you say employees, are you
65 generally, in terms of the police
66 department, are you referring to officers?

67 Vickie Del Bell: [02:42](#) Well, everyone's an employee of the college
68 actually, we're all employees. So, but it
69 would encompass all levels of employees, if
70 that makes sense.

71 Scott Poerschke: [02:53](#) And then so, that would include, it is my
72 understanding that at the police department
73 there is rank of officer, sergeant,
74 lieutenant, and then chief, is that right?

75 Vickie Del Bell: [03:03](#) Correct.

76 Scott Poerschke: [03:05](#) So you would be responsible for interacting
77 with all of those individuals?

78 Vickie Del Bell: [03:09](#) Yes.

79 Scott Poerschke: [03:10](#) And what sort of services do you provide to
80 officers, sergeants, lieutenants and even
81 the chief himself?

82 Vickie Del Bell: [03:18](#) If they have concerns that they would like
83 to discuss, or want guidance, we also help
84 them understand the policies or the
85 procedures that may be applicable in their
86 situation.

87 Scott Poerschke: [03:30](#) Okay. And is that the policies of the board
88 of the college?

89 Vickie Del Bell: [03:34](#) Yes.

90 Scott Poerschke: [03:39](#) But the chief also has his own policies, is
91 that right?

92 Vickie Del Bell: [03:42](#) Yes.

93 Scott Poerschke: [03:44](#) Are you responsible for interpreting the
94 policies of the Chief of Police?

95 Vickie Del Bell: [03:47](#) No.

96 Scott Poerschke: [03:52](#) Okay, and then what ... the second sort of
97 job title that you had, that was
98 performance, what was it called?

99 Vickie Del Bell: [03:57](#) Management.

100 Scott Poerschke: [03:58](#) What is involved in that.

101 Vickie Del Bell: [03:59](#) So that is actually how our evaluations are
102 handled throughout the college. So we
103 manage the process of we ... all of our
104 evaluations are done electronically, and we
105 send those out each year to all of the
106 employees, and we manage that process to
107 insure that they're done accurately and
108 completed.

109 Scott Poerschke: [04:23](#) Right, and I think you have kind of a
110 unique system. What's the name of it?

111 Vickie Del Bell: [04:27](#) So we have Cornerstone. So that's we're
112 currently using.

113 Scott Poerschke: [04:32](#) And as the way I understand it, it has to
114 do, when you're doing employee evaluations,
115 that the supervisor gives some sort of
116 input and rates the employee, is that
117 right?

118 Vickie Del Bell: [04:42](#) Yes.

119 Scott Poerschke: [04:43](#) And then also the employee also provides a
120 reading as well, correct?

121 Vickie Del Bell: [04:47](#) Yes.

122 Scott Poerschke: [04:47](#) And then they use some sort of formula to
123 give some sort of overall score for various
124 categories, is that right?

125 Vickie Del Bell: [04:54](#) Correct.

126 Scott Poerschke: [04:55](#) Okay. And is that Cornerstone product
127 that's utilized for all employees,
128 including the police department?

129 Vickie Del Bell: [05:02](#) Yes.

130 Scott Poerschke: [05:04](#) And does that employee evaluation, when
131 that is actually conducted, does it require
132 the supervisor to sign off or that or
133 approve it? How does that work?

134 Vickie Del Bell: [05:17](#) Yes. So first the employee does the, or
135 completes their self-evaluation. It then
136 moves to their leader. So the leader
137 completes their portion of the evaluation.
138 And once all those steps have been
139 completed, and it has gone through a review
140 process, at that point then the leader then
141 signs off, makes any additional comments,
142 and then forwards it back to the employee
143 for signature after meeting with the
144 employee to discuss the evaluation.

145 Scott Poerschke: [05:51](#) And how often are those evaluations done
146 per year?

147 Vickie Del Bell: [05:55](#) Once.

148 Scott Poerschke: [05:56](#) And is there a set time that that's done
149 per year?

150 Vickie Del Bell: [05:59](#) Yes. So for staff and administrators, the
151 self-evaluation begins in April of each
152 year.

153 Scott Poerschke: [06:10](#) And then would cover a one year period
154 going back to April of the following year?

155 Vickie Del Bell: [06:14](#) Correct. Of the previous year, yes.

156 Scott Poerschke: [06:17](#) What about for ... and let's just try to
157 stick with ... because this case deals with
158 the police department, what about for
159 officers?

160 Vickie Del Bell: [06:26](#) It's all-

161 Scott Poerschke: [06:26](#) And I'm only just clarifying one other
162 thing. When you say staff and
163 administrators, in terms of the police
164 department, are you referring to sergeants,
165 lieutenants, and then even the chief?

166 Vickie Del Bell: [06:37](#) So, they're broken out into two different
167 categories, because we have faculty. So
168 those are on a different schedule. So all
169 staff and administrators fall on this
170 schedule of the April, right. Which is
171 everyone that's not faculty.

172 Scott Poerschke: [06:54](#) So in terms of the police department, staff
173 and administrators, that's what affable to
174 all members of the police department?

175 Vickie Del Bell: [07:01](#) Yes sir.

176 Scott Poerschke: [07:02](#) Does that even apply to Chief Caldwell?

177 Vickie Del Bell: [07:04](#) Yes.

178 Scott Poerschke: [07:04](#) And did it apply ... I mean did it, I mean
179 I'm asking in terms of did ... was Chief
180 Caldwell evaluated?

181 Vickie Del Bell: [07:13](#) Yes.

182 Scott Poerschke: [07:14](#) And who was Chief Caldwell evaluated by?

183 Vickie Del Bell: [07:17](#) So, he's evaluated by the vice chancellor
184 of physical affairs.

185 Scott Poerschke: [07:22](#) And then who is currently in that ... who
186 is currently the vice chancellor of
187 physical affairs?

188 Vickie Del Bell: [07:29](#) Teri Zamora.

189 Scott Poerschke: [07:36](#) And then who was previous to Teri Zamora?

190 Vickie Del Bell: [07:39](#) Chet Lewis.

191 Scott Poerschke: [07:44](#) And previous to Chet?

192 Vickie Del Bell: [07:45](#) Ken Lynn.

193 Scott Poerschke: [07:51](#) And then how long did Ken Lynn work at the
194 department.

195 Vickie Del Bell: [07:55](#) I don't know. He was there when I started,
196 I don't know.

197 Scott Poerschke: [08:06](#) In terms of the review by the vice
198 chancellor of physical affairs, does that
199 only apply to the chief's evaluation?

200 Vickie Del Bell: [08:14](#) Yes.

201 Scott Poerschke: [08:18](#) For lieutenants, is their review by the
202 chief for their evaluations?

203 Vickie Del Bell: [08:24](#) Yes.

204 Scott Poerschke: [08:28](#) What about for sergeants?

205 Vickie Del Bell: [08:29](#) That's by the lieutenants.

206 Scott Poerschke: [08:32](#) Right, if they're lieutenants I think you-

207 Vickie Del Bell: [08:34](#) They evaluate the sergeants.

208 Scott Poerschke: [08:37](#) Okay, so for the sergeant level, they get
209 reviewed by lieutenants?

210 Vickie Del Bell: [08:41](#) Yes sir.

211 Scott Poerschke: [08:41](#) And then the sergeants get reviewed by the
212 ... oh I'm sorry, the officers get reviewed
213 by the sergeants?

214 Vickie Del Bell: [08:48](#) Yes.

215 Scott Poerschke: [08:51](#) For sergeant level employees, is there any
216 review by the chief of police?

217 Vickie Del Bell: [09:01](#) No.

218 Scott Poerschke: [09:01](#) What about for the ... well obviously for
219 lieutenants there would be. Okay. And then,
220 I think you talked about a third, benefits,
221 does that refer to benefits for the
222 officers of the police department?

223 Vickie Del Bell: [09:16](#) For everyone, right. We have state benefits
224 thorough ERS. Uh huh (affirmative).

225 Scott Poerschke: [09:29](#) And does the employee a portion of the
226 salary to ERS?

227 Vickie Del Bell: [09:34](#) That is based on what their election of
228 benefits are.

229 Scott Poerschke: [09:37](#) So that would be based upon the employee?

230 Vickie Del Bell: [09:40](#) Yes.

231 Scott Poerschke: [09:43](#) And then you match that obviously?

232 Vickie Del Bell: [09:46](#) Right. The state matches, and also the
 233 college also in certain circumstances,
 234 based on the benefit, also contributes.

235 Scott Poerschke: [09:56](#) So you would be, I guess, primarily
 236 responsible for communicating with the
 237 state and making sure that those benefits
 238 are properly allocated?

239 Vickie Del Bell: [10:07](#) Well, the state actually tells us what
 240 they're doing, and then we just relay that
 241 information to all the employees, if
 242 there's any changes, or ...

243 Scott Poerschke: [10:16](#) Okay.

244 Vickie Del Bell: [10:16](#) Mm-hmm (affirmative).

245 Scott Poerschke: [10:17](#) All right. So when you say that the
 246 benefits portion, we were added that job
 247 responsibility in 2013?

248 Vickie Del Bell: [10:25](#) Yes sir.

249 Scott Poerschke: [10:28](#) But as in terms of employee review
 250 relations, you had that in 2000, going back
 251 to 2011.

252 Vickie Del Bell: [10:33](#) Yes sir.

253 Scott Poerschke: [10:35](#) And then for performance management, you
 254 had that back in 2011, is that right?

255 Vickie Del Bell: [10:37](#) Yes. Mm-hmm (affirmative).

256 Scott Poerschke: [10:40](#) Now, I'd like to turn to the first topic.

257 Jessica Witte: [10:43](#) Scott, can I just state for the record that
 258 I object to any testimony that's outside of
 259 what you've designated as a topic as being
 260 a corporate representative admission, and
 261 that it's given as a fact witness. So
 262 anything about the structure of the HR
 263 department, or about the structure of the
 264 evaluation system, it wasn't one of the
 265 notice topics. So her testimony on that was
 266 a fact witness.

267 Scott Poerschke: [11:02](#) Well, it was her job duties as well. I'm
 268 just trying to establish her job duties.

269 Okay. So the first topic ... have you had a
270 chance to review the notice and the topics
271 that you've been designated on?

272 Vickie Del Bell: [11:02](#) Yes.

273 Scott Poerschke: [11:32](#) Now, describe to me your knowledge with
274 regards to the college has asserted this
275 defense of, defendant exercised reasonable
276 care to prevent or correct promptly any
277 harassing or discriminatory conduct? What
278 in terms of this case, and of course I
279 represent Sergeant Newsome ... so with
280 regards to Sergeant Newsome, what is your
281 understanding of the reasonable care to
282 prevent or correct any harassing or
283 discriminatory conduct, has been done by
284 the college?

285 Vickie Del Bell: [12:04](#) So, always, if we've been made aware, or
286 obviously leadership is aware, they do
287 follow all of our policies and procedures
288 that we have regarding our EEO, or anything
289 that we have spelled out within our
290 concerns and grievances policies and
291 procedures.

292 Scott Poerschke: [12:27](#) What reasonable care has the college
293 provided to Sergeant Newsome?

294 Vickie Del Bell: [12:35](#) As far as, the policies, or directing her
295 in the policies? Is that what your speaking
296 of?

297 Scott Poerschke: [12:42](#) I assume that would probably encompass
298 that.

299 Vickie Del Bell: [12:45](#) Okay. So, Sergeant Newsome, all of our
300 policies are online. They're also reviewed
301 by ... that she can go to leadership, she
302 could come to human resources to inquire
303 about any concerns she would have, and we
304 would direct her to the appropriate policy
305 and procedure to follow. And if she needs
306 assistance with determining the steps, we
307 also guide all employees in the steps, and
308 how to proceed through that process.

309 Scott Poerschke: [13:22](#) What contact has Sergeant Newsome had with
310 the HR department?

311 Vickie Del Bell: [13:28](#) So, going back, very limited contact.

312 Scott Poerschke: [13:33](#) Let's say from a period of January 2014 to
313 the time she was terminated. You're aware
314 she was terminated in the fall or December
315 of 2015, is that right?

316 Vickie Del Bell: [13:45](#) Correct. December.

317 Scott Poerschke: [13:47](#) Let's focus on this two year period. Do you
318 recall any time that Sergeant Newsome came
319 to the employee relations department?

320 Vickie Del Bell: [13:56](#) Yes. I recall one time that she came to the
321 employee relations department. She ... that
322 was I'm trying to think when that was. Oh,
323 I think I can tell you.

324 Scott Poerschke: [13:56](#) Do you recall the ... okay.

325 Vickie Del Bell: [14:17](#) Right here. This, would have been, in
326 August of 2015.

327 Scott Poerschke: [14:27](#) And you just referred to what document?

328 Vickie Del Bell: [14:31](#) This is a document, it saves some note that
329 were written by the manager of employee
330 relations, Tracey Willis.

331 Scott Poerschke: [14:41](#) And that's Bates number document 79?

332 Vickie Del Bell: [14:43](#) 79, yes.

333 Scott Poerschke: [14:45](#) Describe to me what happened in August of
334 2015.

335 Vickie Del Bell: [14:48](#) I was not the one that met with Ms.
336 Newsome, Sergeant Newsome. She did-

337

DEL BELLO EXHIBIT 3

1 Vickie Del Bello: [00:00](#) ... I did see her, as she came into
2 the office, but I was exiting for a
3 meeting, and Ms. Willis met with her.

4 Scott Poerschke: [00:07](#) What was your understanding of what was
5 discussed?

6 Vickie Del Bello: [00:10](#) At the time, she, Sergeant Newsome,
7 was complaining that ... She believed,
8 according to the note that I read, was that
9 everything was an investigation and why
10 couldn't others just speak to her about the
11 incidents, instead of complaining about
12 her.

13 Scott Poerschke: [00:36](#) I'm sorry. Again, I'm not following you.
14 You said that she was coming in about what
15 again?

16 Vickie Del Bello: [00:43](#) That she was coming in, she was
17 concerned that she felt like there was
18 always a complaint against her, and from
19 somebody in the police department, and she
20 could not understand why the leadership
21 just couldn't talk to her about it, instead
22 of treating it as an investigation.

23 Scott Poerschke: [01:01](#) Okay. Are you aware if she named anyone
24 specific?

25 Vickie Del Bello: [01:07](#) No.

26 Scott Poerschke: [01:08](#) And, you said that was Tracey Willis is the
27 one she spoke with?

28 Vickie Del Bello: [01:12](#) Yes.

29 Scott Poerschke: [01:12](#) Okay. Are you aware of any basis for any
30 harassing or discriminatory contact
31 experienced by Sergeant Newsome?

32 Vickie Del Bello: [01:27](#) No.

33 Scott Poerschke: [01:30](#) And, other than the August 2015 time period
34 where Sergeant Newsome came into the
35 employee relations, or the human resources
36 department, are you aware of any other
37 times which she came?

38 Vickie Del Bello: [01:48](#) I spoke with Sergeant Newsome one
39 additional time and that would've been when
40 we were issuing findings letter of an
41 investigation that had been conducted.

42 Scott Poerschke: [02:02](#) And, correct me if I'm wrong, that had to
43 do with the findings with regards to the
44 incident that occurred at the going away
45 party for an office name Rachel Amador. Is
46 that right?

47 Vickie Del Bello: [02:11](#) Not Rachel. It was Raul? I'm not sure
48 of the name but it's not Rachel. It's a
49 male.

50 Scott Poerschke: [02:20](#) Okay. What was the name of the male?

51 Vickie Del Bello: [02:23](#) His last name is Amador, but it's not
52 Rachel.

53 Scott Poerschke: [02:26](#) Okay. Maybe I got the name wrong. I
54 apologize. I kept thinking it was a woman.
55 Okay, all right. So, Officer Amador?

56 Vickie Del Bello: [02:33](#) Mm-hmm (affirmative).

57 Scott Poerschke: [02:34](#) And, I think you also ... You did some
58 investigation in that, is that correct?

59 Vickie Del Bello: [02:39](#) I did not do any of the interviews of
60 the officers, but the findings document was
61 presented to me.

62 Scott Poerschke: [02:48](#) Okay. And, what's the findings documents
63 that was determined by ... I think,
64 Gretchen Rapp, is that right?

65 Vickie Del Bello: [02:56](#) Correct.

66 Scott Poerschke: [02:57](#) Okay. And, I guess, then, did you approve
67 those findings or how did that work?

68 Vickie Del Bello: [03:08](#) So, there's really not an approval,
69 it's their findings and then, based on

70 those findings, then we relay that
71 information.

72 Scott Poerschke: [03:19](#) Okay. And, who did you relay that
73 information to?

74 Vickie Del Bello: [03:21](#) We actually did speak to Sergeant
75 Newsome.

76 Scott Poerschke: [03:24](#) Okay. And, what did you tell Sergeant
77 Newsome?

78 Vickie Del Bello: [03:27](#) So, we told Sergeant Newsome,
79 basically, based on the amount of
80 interviews that were conducted, 14, that
81 people did identify that she had used
82 excessive profanity at the party and had
83 discussed information regarding at least
84 one of her direct reports. And, I believe
85 all of that is in the findings document, if
86 you want me to refer you to that.

87 Scott Poerschke: [04:00](#) Sure, what Bates number is that?

88 Vickie Del Bello: [04:02](#) Let's see, is it in 12, do you know? I
89 think it might be. And, here it is.

90 Scott Poerschke: [04:24](#) What Bates number document is that?

91 Vickie Del Bello: [04:26](#) 464.

92 Scott Poerschke: [04:32](#) And, you relayed that Bates number document
93 464, you relayed that to Chief Taylor, is
94 that right?

95 Vickie Del Bello: [04:38](#) We actually did speak with Sergeant
96 Newsome on that.

97 Scott Poerschke: [04:42](#) Okay. And, how did ...

98 Vickie Del Bello: [04:44](#) But, yes, then we did tell that, speak
99 about it, with Chief Taylor, yes.

100 Scott Poerschke: [04:48](#) And, you were only in charge of the
101 findings.

102 Vickie Del Bello: [04:51](#) Correct.

103 Scott Poerschke: [04:51](#) Not the actually discipline?

104 Vickie Del Bello: [04:53](#) Correct.

105 Scott Poerschke: [04:54](#) Are you aware of any discipline that
106 Sergeant Newsome received?

107 Vickie Del Bello: [04:56](#) I've seen the discipline, yes.

108 Scott Poerschke: [04:59](#) Okay and what was your understanding of the
109 discipline?

110 Vickie Del Bello: [05:01](#) The understanding was that they did
111 issue her ... And, let me check, I believe
112 it was a final corrective action notice.

113 Scott Poerschke: [05:15](#) And, what Bates number document is that?

114 Vickie Del Bello: [05:18](#) This one is about her appeal, but let
115 me see. Find her ... Nope, that one's
116 not...I was looking for the actual ...

117 Scott Poerschke: [05:44](#) Take your time, no rush.

118 Vickie Del Bello: [05:45](#) ... Corrective action, but it's all
119 the other ... Would this be in the previous
120 tab? Nope.

121 Jessica Witte: [05:59](#) It's Bates 525.

122 Scott Poerschke: [06:14](#) 525?

123 Jessica Witte: [06:15](#) Mm-hmm (affirmative).

124 Scott Poerschke: [06:18](#) Okay.

125 Vickie Del Bello: [06:20](#) Yeah, it's still in this tab, but 525.
126 I have 22, 24. Yes.

127 Scott Poerschke: [06:38](#) Okay, so then, the times that you
128 interacted with Sergeant Newsome was one
129 time in August 2015, is that right?

130 Vickie Del Bello: [06:49](#) No.

131 Scott Poerschke: [06:50](#) Or, she came into the office ...

132 Vickie Del Bello: [06:52](#) Ms. Willis did.

133 Scott Poerschke: [06:53](#) ... And, she talked to Ms. Willis in August
134 2015.

135 Vickie Del Bello: [06:55](#) Correct.

136 Scott Poerschke: [06:56](#) Okay. And then, you actually then spoke
137 with Sergeant Newsome about the incident
138 involving Amador and that was approximately
139 ...

140 Vickie Del Bello: [07:08](#) Looks like that would have been in
141 September when we talked to her. Yes,
142 September of 14.

143 Scott Poerschke: [07:18](#) And, corrected to say that, regarding the
144 incident, the Amador incident, HR
145 investigated the findings on that, is that
146 right?

147 Vickie Del Bello: [07:30](#) Yes.

148 Scott Poerschke: [07:31](#) How is it that HR investigated those
149 findings?

150 Vickie Del Bello: [07:36](#) So, at times, that does occur. So, for
151 instance, she, because some of the
152 complaint that was brought forward were
153 things that she had accusations against her
154 lieutenant, and so, then, the next person
155 then that would have had to do the
156 investigation would have been the chief.
157 And, at times, HR will do that
158 investigation so that the employee then has
159 other avenues within that concerns policy
160 procedure to speak with others if they
161 believe that something wasn't done fairly.
162 So, in this case, by us doing the
163 investigation, then she was able then to
164 speak with the chief and then she was able
165 to go to the Vice Chancellor of Fiscal
166 Affairs.

167 Scott Poerschke: [08:33](#) Okay. And, I think at that time, that would
168 have been Ken Lynn, is that right?

169 Vickie Del Bello: [08:41](#) Yes, it was.

170 Scott Poerschke: [08:42](#) Now, is it a two step process, you get a
171 chief first and then you go to Ken Lynn?

172 Vickie Del Bello: [08:45](#) Correct. You keep going up your
173 leadership chain.

174 Scott Poerschke: [08:48](#) Okay. And, the accusations against the
175 lieutenant, was that Lieutenant Pigeon?

176 Vickie Del Bello: [08:55](#) Yes.

177 Scott Poerschke: [09:02](#) And, what were the accusations that were
178 made against Lieutenant Pigeon?

179 Vickie Del Bello: [09:07](#) So, her comment ... Do you want me to
180 state the comment?

181 Scott Poerschke: [09:13](#) Sure, whatever your understanding of it is.

182 Vickie Del Bello: [09:15](#) So, my understanding was that whoever
183 brought forward the complaint, stated that,
184 at the party, that Sergeant Newsome stated
185 that Lieutenant Gamboa was Lieutenant
186 Pigeon's bitch. And so, therefore, we could
187 not have the other lieutenants investigate
188 that.

189 Scott Poerschke: [09:44](#) You recall some comments that are also
190 alleged to have been made by Sergeant
191 Newsome indicating that Pigeon was sexist?

192 Vickie Del Bello: [09:51](#) Yes, that was also one of the
193 comments.

194 Scott Poerschke: [09:54](#) Okay. Anything else regarding Lieutenant
195 Pigeon?

196 Vickie Del Bello: [10:23](#) -regarding ... I believe that was all.

197 Jessica Witte: [10:35](#) The findings are at 480, if you wanna look
198 at them.

199 Vickie Del Bello: [10:38](#) 480? I was looking at the other letter
200 that we have. Here we go. So, there's the
201 sexist and there's that comment.

202 Scott Poerschke: [10:56](#) Okay, so it was ...

203 Vickie Del Bello: [10:57](#) That's all I'm seeing. The only other
204 things that were in here were within the
205 findings that was presented to me was
206 Sergeant Newsome did admit that ...

207 Scott Poerschke: [11:13](#) I'm sorry, you said findings, but you mean
208 allegations?

209 Vickie Del Bello: [11:16](#) No, this was in the findings document,
210 just writing ...

211 Scott Poerschke: [11:19](#) Let me go back and try to clarify. What
212 were the allegations? I understand that
213 there were two against Lieutenant Pigeon,
214 Newsome said that Gamboa was Lieutenant
215 Pigeon's bitch, is that right?

216 Vickie Del Bello: [11:31](#) Mm-hmm (affirmative). That's correct.

217 Scott Poerschke: [11:32](#) And then, another allegation was Sergeant
218 Newsome called Lieutenant Pigeon sexist, is
219 that right?

220 Vickie Del Bello: [11:38](#) Yeah, it was "Effing sexist," is what
221 it says in here.

222 Scott Poerschke: [11:42](#) Okay. And then, what other allegations were
223 made against Sergeant Newsome?

224 Jessica Witte: [11:48](#) The complaint is at 475.

225 Vickie Del Bello: [11:50](#) You're talking about just the
226 complaint in general?

227 Scott Poerschke: [11:53](#) Right, what were the actual ... What were
228 the things that you investigated? Or,
229 actually, it would be Gretchen Rapp
230 investigated under your guidance. Is that
231 the way it worked?

232 Vickie Del Bello: [12:05](#) Correct.

233 Scott Poerschke: [12:06](#) Okay.

234 Vickie Del Bello: [12:06](#) So, the complaint is on 475, that was
235 submitted, is number 475, is the complaint.

236 Scott Poerschke: [12:22](#) So, I've got two against Pigeon, was there
237 anybody else involved?

238 Vickie Del Bello: [12:26](#) Yes, that one of the complaints was
239 that Sergeant Newsome also stated that
240 Officer McCandless is a worthless officer.

241 Scott Poerschke: [12:37](#) Okay.

242 Vickie Del Bello: [12:45](#) And then, of course, let's see. Those
243 appear to be ... And, of course, then just
244 the general complaint of profanity.

245 Scott Poerschke: [13:07](#) Against any, just ...

246 Vickie Del Bello: [13:08](#) That she was using profanity, just
247 very loudly at the party.

248 Scott Poerschke: [13:19](#) Okay. So, with regards to the first
249 allegation of Lieutenant Pigeon's, that
250 Sergeant Newsome called, or referred to
251 Sergeant Gamboa as Lieutenant Pigeon's
252 bitch, did you find that to be sufficient
253 evidence to find that that did occur?

254 Vickie Del Bello: [13:39](#) No.

255 Scott Poerschke: [13:42](#) With regards to the second allegation of
256 Lieutenant Pigeon, referring to him as a
257 "Fucking sexist," did you find sufficient
258 evidence to find that was true?

259 Vickie Del Bello: [14:07](#) Let me find ... I'm gonna find that
260 second letter. No, you're talking about
261 using the profanity when referring to
262 Lieutenant Pigeon?

263 Scott Poerschke: [14:33](#) Right, it was calling a ... I'm sorry, a
264 "Fucking sexist."

265 Vickie Del Bello: [14:36](#) Right. Says only one of the witnesses
266 that were interviewed heard you use
267 profanity when discussing Lieutenant
268 Pigeon, so we did not have findings for
269 that.

270 Scott Poerschke: [14:44](#) Okay.

271

DEL BELLO EXHIBIT 4

1 Scott Poerschke: [00:00](#)

2 Scott Poerschke: [00:00](#)

3 What about for Officer Chandless referring
4 to the worthless comment?

5 Vickie Del Bello: [00:07](#) So within 464, which is the complaint
6 in what we gave to Kendria ...

7 Scott Poerschke: [00:19](#) Wait, that would be ...

8 Vickie Del Bello: [00:19](#) ... in September.

9 Scott Poerschke: [00:20](#) Let me just clarify. It's not a complaint.
10 Four sixty-four though is the, is your
11 investigatory findings. Is that right?

12 Vickie Del Bello: [00:26](#) Right, regarding the complaint.

13 Scott Poerschke: [00:28](#) Okay.

14 Vickie Del Bello: [00:31](#) It says, "Based on the information
15 that we gathered, we have determined that
16 you behaved inappropriately for an employee
17 of the college. You spoke negatively about
18 an officer and a lieutenant in front of
19 four, in front of other officers and at
20 least one of your direct reports." So yes.

21 Scott Poerschke: [00:48](#) Okay, so with regards to Chandress, the
22 worthless comment, that would be yes.

23 Vickie Del Bello: [00:55](#) Mr. Oh, McCandless?

24 Scott Poerschke: [00:56](#) I'm sorry, McCandless.

25 Vickie Del Bello: [00:57](#) Mm-hmm (affirmative). That would be
26 yes.

27 Scott Poerschke: [01:01](#) Okay. Then with regards to the profanity
28 comment, just in general profanity, was
29 there sufficient evidence to find that?

30 Vickie Del Bello: [01:09](#) Yes.

31 Scott Poerschke: [01:18](#) Okay. So then you personally spoke with
32 Sergeant Newsome in September 2014. Did you
33 give her a copy of Bates number document
34 464?

35 Vickie Del Bello: [01:30](#) Yes.

36 Scott Poerschke: [01:32](#) Okay, and how did that conversation go?

37 Vickie Del Bello: [01:33](#) It went very well. We presented our
38 findings, gave her a copy of the letter,
39 asked her if she had any questions and she
40 said, "No." It was a very, very short
41 conversation.

42 Scott Poerschke: [01:47](#) Okay, and then I assume then at that time
43 period in September 2014 she had not
44 received any discipline from Chief Taylor.
45 Is that right?

46 Vickie Del Bello: [01:59](#) Oh, I don't know. I don't know if she
47 had received prior discipline.

48 Scott Poerschke: [02:06](#) I'm talking about ... Let me just clarify
49 the question. I'm talking about discipline
50 related to the Amador incident. You
51 testified earlier that she did receive some
52 discipline from Chief Taylor.

53 Vickie Del Bello: [02:18](#) Mm-hmm (affirmative).

54 Scott Poerschke: [02:19](#) That document was ...

55 Vickie Del Bello: [02:21](#) I think you said that was 525, right?

56 Scott Poerschke: [02:22](#) Yeah, it's Bates numbered document 525.

57 Vickie Del Bello: [02:25](#) That would have been September 12th.
58 It would have been after our meeting with
59 Kendria.

60 Scott Poerschke: [02:31](#) So then after when you gave Sergeant
61 Newsome the investigatory findings as
62 reflected on Bates number document 464,
63 then she had an opportunity then to then go
64 meet with the chief. Is that right?

65 Vickie Del Bello: [02:45](#) Correct.

66 Scott Poerschke: [02:46](#) Okay. And you don't have any knowledge
67 about if she actually met with the chief.
68 Is that right?

69 Vickie Del Bello: [02:52](#) No.

70 Scott Poerschke: [02:52](#) Okay. And then, Sergeant Newsome then in
71 that instance then had the ability to
72 appeal what exactly to Ken Lynn? Did she
73 have the ability to appeal the findings or
74 did she have the ability to appeal the
75 discipline?

76 Vickie Del Bello: [03:10](#) The discipline.

77 Scott Poerschke: [03:10](#) Okay. Okay, so she did not have the ability
78 to appeal the investigatory findings?

79 Vickie Del Bello: [03:22](#) Correct.

80 Scott Poerschke: [03:23](#) Okay, so those were set in stone. Is that
81 right?

82 Vickie Del Bello: [03:23](#) Correct.

83 Scott Poerschke: [03:26](#) Okay. Are you aware in this instance if
84 Officer ... I'm sorry. Are you aware in
85 this instance if Sergeant Newsome appealed
86 the discipline given to her by Chief Taylor
87 to Ken Lynn?

88 Vickie Del Bello: [03:42](#) Yes, she did.

89 Scott Poerschke: [03:46](#) Okay. Are you aware of what occurred
90 regarding that?

91 Vickie Del Bello: [03:50](#) Yes. Within the information that I
92 have, Mr. Lynn did uphold the corrective
93 action notice.

94 Scott Poerschke: [04:01](#) Okay.

95 Vickie Del Bello: [04:04](#) That was given to her by Chief Taylor.

96 Scott Poerschke: [04:13](#) Okay. All right, so then other than in
97 August 2015 with Tracey Willis and then
98 again you personally in September 2014, did
99 you have any other interaction involving
100 Sergeant Newsome?

101 Vickie Del Bello: [04:30](#) Yes. The only other interaction that I
102 had with her was when Chief Taylor
103 terminated her employment.

104 Scott Poerschke: [04:43](#) Okay, and I think that would have occurred
105 around November.

106 Vickie Del Bello: [04:50](#) It would have been in November of
107 2015.

108 Scott Poerschke: [04:53](#) How were you involved in that? Or how was
109 the employee relations department?

110 Vickie Del Bello: [04:57](#) Right, so any time that there is a
111 termination of any employee, a member of
112 the employee relations team does sit in on
113 that, and I did sit in on Kendria's
114 termination.

115 Scott Poerschke: [05:12](#) Okay, and how, what was involved in that?

116 Vickie Del Bello: [05:17](#) Chief Taylor brought her in and had
117 her termination letter prepared and gave
118 her a copy of the letter and went over it
119 with her, and then asked her for her weapon
120 and badge, et cetera.

121 Scott Poerschke: [05:39](#) Okay, and what was your understanding of
122 the reasons why she was being terminated?

123 Vickie Del Bello: [05:47](#) Well, let's refer to the termination
124 letter, which, let me see here, which
125 section that is in. I need to look at the
126 table of contents. Tab 17.

127 Scott Poerschke: [05:59](#) At least you have tabs.

128 Vickie Del Bello: [06:14](#) Well, that's helpful. Okay, so this is
129 698 is her notice of termination, and so
130 within this letter Chief Taylor is speaking
131 about the allegations that she brought
132 forward against Sergeant Birch and
133 identified Sergeant Vaughn as the one that
134 gave her the information and that the
135 investigation substantiated that she
136 falsely accused Sergeant Birch of reading
137 her statement. And based on all of that
138 that it calls into question her
139 credibility, judgment, professionalism and
140 her ability to serve as a leader. And then

141 that was the basis for the decision to
142 terminate her employment.

143 Scott Poerschke: [07:20](#) Okay. But HR wasn't involved in that
144 investigation. Is that right?

145 Vickie Del Bello: [07:26](#) Correct.

146 Scott Poerschke: [07:28](#) Other than the investigation regarding
147 Rachel Amador, was HR involved in any other
148 investigation involving Sergeant Newsome?

149 Vickie Del Bello: [07:34](#) No.

150 Scott Poerschke: [07:40](#) How was Sergeant Newsome at the meeting?

151 Vickie Del Bello: [07:46](#) It's been a while ago, but I think
152 that naturally she was upset, but did not
153 say a lot, just turned over all of her
154 equipment to Chief Taylor.

155 Scott Poerschke: [08:03](#) Okay. Were there any incidents other words?

156 Vickie Del Bello: [08:07](#) No.

157 Scott Poerschke: [08:08](#) Okay. Now, did you ever have any other
158 interaction other than these face-to-face
159 meetings? And I guess even the August 2015
160 one was very brief because you were saying
161 you just kind of left the HR Department.

162 Vickie Del Bello: [08:26](#) Correct.

163 Scott Poerschke: [08:30](#) And then you had actually met with her in
164 December 2014 and then you met with her
165 again November 2015. Are there any other
166 ... Did the HR Department and Sergeant
167 Newsome ever cross paths again other than
168 those three time periods?

169 Vickie Del Bello: [08:48](#) Not on an individual basis, but we
170 would often cross paths with her at events
171 or always at our performance management
172 validation meetings. Since she was a
173 sergeant she was there to present her
174 employees, so yes, we encountered her, but
175 never in a one-on-one situation.

176 Scott Poerschke: [09:11](#) Okay. Any other than those? Other than one-
177 on-one meetings, the three of which we've

178 already gone over, would you have any
179 further communications with Sergeant
180 Newsome relating to any aspect of her job?

181 Vickie Del Bello: [09:31](#) Not that I recall.

182 Scott Poerschke: [09:34](#) Is that from the standpoint of the Human
183 Resources Department?

184 Vickie Del Bello: [09:40](#) Yes.

185 Scott Poerschke: [09:50](#) Okay, so I think that gets to then topic
186 number what I've identified as six. It
187 talks about all grievances raised or filed
188 by Newsome including all of Newsome's
189 attempts to reach out to the college
190 administration regarding the relationship
191 between her and Lieutenant Pigeon. Then I
192 guess then that would be other than what's
193 already testified to there's none
194 additional. Is that right?

195 Vickie Del Bello: [10:12](#) Not with Human Resources.

196 Scott Poerschke: [10:14](#) Okay. That's all I'm asking from the
197 standpoint ...

198 Vickie Del Bello: [10:14](#) Sure.

199 Scott Poerschke: [10:18](#) ... of Human Resources.

200 Vickie Del Bello: [10:19](#) Okay.

201 Scott Poerschke: [10:27](#) Okay, and we've kind of hit on this topic
202 number 10. I think we've kind of hit on
203 this already, but it has to do with the
204 appeals process involved for a police
205 officer to appeal any finding of officer
206 misconduct by the Chief of Police or his
207 designated representative.

208 Vickie Del Bello: [10:41](#) Mm-hmm (affirmative).

209 Scott Poerschke: [10:44](#) I think you've already testified to the
210 fact and I don't want you to keep
211 reiterating testimony over again, but it's
212 my understanding then is that officer
213 misconduct can be appealed to Ken rr the
214 Vice Chancellor ...

215 Vickie Del Bello: [10:58](#) Of School Affairs.

216 Scott Poerschke: [11:00](#) And in that instance that was Chief ... I'm
217 sorry, that was Ken Lynn. Is that right?

218 Vickie Del Bello: [11:04](#) That's correct.

219 Scott Poerschke: [11:05](#) Okay. And then Sergeant Newsome then in
220 that instance involving Amador, then
221 appealed to Ken Lynn.

222 Vickie Del Bello: [11:20](#) Yes.

223 Scott Poerschke: [11:23](#) And that was a two stage process. First it
224 goes to the chief and then it goes to Ken
225 Lynn. Is that right?

226 Vickie Del Bello: [11:28](#) Yes.

227 Scott Poerschke: [11:30](#) And what is ... When Ken Lynn, he has the
228 ability then to overturn it, overturn the
229 discipline. Is that correct?

230 Vickie Del Bello: [11:41](#) Correct.

231 Scott Poerschke: [11:42](#) Okay. And then what does Ken Lynn do when
232 that appeal happens?

233 Vickie Del Bello: [11:48](#) So they typically conduct their own,
234 if there's people that they feel that they
235 need to speak with, they read all of the
236 findings information and then they also
237 have a one-on-one with the employee that is
238 requesting the appeal.

239 Scott Poerschke: [12:11](#) Okay, so it's a two step process. They read
240 all of the findings and that would have
241 been essentially the file from HR in this
242 instance involving Amador of all of the
243 statements that were taken. Is that right?

244 Vickie Del Bello: [12:22](#) Yes.

245 Scott Poerschke: [12:23](#) Okay. Anything else that Ken Lynn would
246 read over?

247 Vickie Del Bello: [12:28](#) No.

248 Scott Poerschke: [12:29](#) Okay, and then, the second part of that
 249 would then be for Sergeant Newsome to meet
 250 with Ken Lynn one-on-one?

251 Vickie Del Bello: [12:39](#) Correct.

252 Scott Poerschke: [12:40](#) If Sergeant Newsome had met, well, I would
 253 guess in this instance it's your
 254 understanding that Sergeant Newsome did
 255 meet with Ken Lynn, right?

256 Vickie Del Bello: [12:47](#) Yes.

257 Scott Poerschke: [12:47](#) But you weren't present at that meeting.

258 Vickie Del Bello: [12:49](#) No.

259 Scott Poerschke: [12:49](#) Was any member of the HR Department present
 260 at that meeting with Ken Lynn?

261 Vickie Del Bello: [12:54](#) No.

262 Scott Poerschke: [12:55](#) That would only be Ken Lynn and Sergeant
 263 Newsome. Is that right?

264 Vickie Del Bello: [12:58](#) Correct.

265 Scott Poerschke: [12:58](#) Okay. Then I guess at that point that would
 266 be to get some sort of face and face.

267 Vickie Del Bello: [13:04](#) Well, to listen to their side of the
 268 story also.

269 Scott Poerschke: [13:07](#) Okay. Anything else after? Then Ken Lynn
 270 can overturn the discipline or uphold it.
 271 In this instance with Amador he upheld it.
 272 Is there any other then appeal process
 273 after that?

274 Vickie Del Bello: [13:21](#) No.

275 Scott Poerschke: [13:22](#) Okay. So it's Ken Lynn's determination is
 276 final?

277 Vickie Del Bello: [13:25](#) That's correct.

278 Scott Poerschke: [13:26](#) Okay. And that was the appeal process
 279 involved from say the time period of
 280 January 2014 to December of 2015?

281 Vickie Del Bello: [13:26](#) Yes.

282 Scott Poerschke: [13:36](#) Okay, because I know it's changed several
283 times.

284 Vickie Del Bello: [13:41](#) Yes. Well, yes prior to ... There was
285 a time it was different.

286 Scott Poerschke: [13:46](#) Right. I think there was something about it
287 went to a committee and all other stuff.
288 There was a lot of steps.

289 Vickie Del Bello: [13:50](#) Well, that's based on ... That's not
290 based on this process, but.

291 Scott Poerschke: [13:57](#) That was a prior process in place, right?

292 Vickie Del Bello: [13:59](#) Not for a concern, no.

293 Scott Poerschke: [14:01](#) Okay. All right, let's talk about that real
294 quick. So the incident involving Rachel
295 Amador, that was classified as a concern?

296 Vickie Del Bello: [14:13](#) That was classified as a complaint, a
297 concern, yes.

298 Scott Poerschke: [14:17](#) Okay. Are you aware of any other concerns
299 involving Sergeant Newsome from the time
300 period of January 2014 to the time she was
301 terminated?

302 Vickie Del Bello: [14:41](#) Well, in reading the information,
303 there was a concern that was brought
304 forward regarding Officer Mendoza.

305

DEL BELLO EXHIBIT 5

1 Vickie Del Bello: [00:00](#) I believe during that timeframe. What
2 timeframe did you say, again?

3 Scott Poerschke: [00:04](#) Yeah. It was basically 14 and 15.

4 Vickie Del Bello: [00:06](#) Yes. It's my understanding that based
5 on documentation that there was an
6 additional concern complaint brought
7 forward regarding Officer Mendoza.

8 Scott Poerschke: [00:20](#) Okay. But the HR department didn't have any
9 involvement in that, is that correct?

10 Vickie Del Bello: [00:24](#) Correct. We did not.

11 Scott Poerschke: [00:31](#) Anything with regards ... The appeals
12 process or the procedures relating to a
13 concern? Is there any other steps we
14 haven't talked about?

15 Vickie Del Bello: [00:45](#) No.

16 Scott Poerschke: [01:03](#) And then for topic number 11, it talks
17 about perennial misconduct or corrective
18 action appealed by Newsome ... Knowledge of
19 those appeals taken by her prior to her
20 termination. The only one then involving
21 Sergeant Newsome, but the HR department had
22 anything to do with is the Rachel Amador
23 thing.

24 Vickie Del Bello: [01:25](#) Right. The only one that we were a
25 part of, correct.

26 Scott Poerschke: [01:28](#) Okay. What is the difference between a
27 concern and a grievance?

28 Vickie Del Bello: [01:39](#) A concern would be a complaint you
29 have complained against your leadership.
30 You have complaint against other employees.
31 It could be bullying. That falls under a
32 concern. For a grievance, that's against a
33 protected class or against a board specific
34 policy.

35 Scott Poerschke: [02:11](#) Protected class ... You mean you're talking
36 about ... Like title seven stuff?

37 Vickie Del Bello: [02:15](#) Yes, title seven.

38 Scott Poerschke: [02:17](#) You're talking about sex?

39 Vickie Del Bello: [02:19](#) Yes.

40 Scott Poerschke: [02:19](#) And that would be?

41 Vickie Del Bello: [02:21](#) Race, gender ... Yes.

42 Scott Poerschke: [02:23](#) A grievance in this instance would be any
43 sort of complaint of racial discrimination
44 or retaliation or those kind of things?

45 Vickie Del Bello: [02:34](#) Correct, based on that.

46 Scott Poerschke: [02:38](#) That would be any employee against another
47 employee?

48 Vickie Del Bello: [02:41](#) Yes.

49 Scott Poerschke: [02:41](#) And then concern also would be employee
50 versus another employee, is that right?

51 Vickie Del Bello: [02:47](#) Yes.

52 Scott Poerschke: [02:51](#) Okay. And then a specific board policy,
53 what exactly would that encompass?

54 Vickie Del Bello: [02:57](#) For instance, like our EEO policy.

55 Scott Poerschke: [03:02](#) What's the EEO policy?

56 Vickie Del Bello: [03:09](#) I'm sure it's in here, too. For
57 instance, it's on our equal opportunity for
58 the institution. I'm sure it's in the book,
59 also. Do we need to refer to that in the
60 book?

61 Scott Poerschke: [03:25](#) I think it's probably on the website,
62 right?

63 Vickie Del Bello: [03:26](#) Yes.

64 Jessica Witte: [03:27](#) It's the same policy manual I've sent you
65 the link to.

66 Scott Poerschke: [03:29](#) Okay. That's what I thought.

67 Vickie Del Bello: [03:31](#) And that's the one where it's speaking
68 about equal opportunity for all students,
69 employees, and applicants without regard to
70 their national origin, citizenship, age,
71 disability, pregnancy.

72 Scott Poerschke: [03:43](#) You mean EEO ... Equal employment
73 opportunity? Similar to the EOC type stuff?

74 Vickie Del Bello: [03:48](#) Right.

75 Scott Poerschke: [03:48](#) Okay. Anything else about a grievance?

76 Vickie Del Bello: [03:51](#) No.

77 Scott Poerschke: [04:04](#) Then who makes the determination to
78 classify something as a concern versus a
79 grievance?

80 Vickie Del Bello: [04:09](#) Well, we follow the policies, and
81 that's looked at with leadership and also
82 with human resources.

83 Scott Poerschke: [04:16](#) That would be human resources and then ...
84 That would be you, I guess.

85 Vickie Del Bello: [04:21](#) Or a member of my team, yes.

86 Scott Poerschke: [04:23](#) Okay. It would be your human resources
87 department as well as you said leadership,
88 but in this case, it would be Chief Taylor?

89 Vickie Del Bello: [04:31](#) Yes.

90 Scott Poerschke: [04:32](#) Or his subsequent chief, Chief Caldwell. Is
91 that right?

92 Vickie Del Bello: [04:32](#) Correct.

93 Scott Poerschke: [04:36](#) Okay. Do you call any discussion with Chief
94 Taylor regarding the classification of a
95 concern versus a grievance involving that
96 incident relating with Officer Amador
97 involving Sergeant Newsome?

98 Vickie Del Bello: [04:57](#) I don't recall having a conversation
99 with him about that.

100 Scott Poerschke: [05:22](#) Okay. Move on to the next topic. It has to
101 do with the factual basis for the following
102 statement made by the college. Defendant
103 denies any suggestion that the command
104 staff or administration were not supportive
105 of equal opportunity under the law for
106 Sergeant Newsome. What is your
107 understanding of the factual basis of that?

108 Vickie Del Bello: [05:42](#) My understanding is that there was not
109 a complaint of that from Sergeant Newsome,
110 and that we abide by our equal opportunity
111 policy, all members and employees of the
112 college.

113 Scott Poerschke: [06:00](#) Okay. You're saying that there was no
114 complaint filed by Sergeant Newsome? What
115 exactly?

116 Vickie Del Bello: [06:09](#) Of discrimination.

117 Scott Poerschke: [06:10](#) Okay. What about the comment that was made
118 that the party ... That had to do with
119 calling Lieutenant Pigeon " a fucking
120 sexist"?

121 Vickie Del Bello: [06:32](#) We didn't have findings of that.

122 Scott Poerschke: [06:34](#) Okay. Would that be categorized as a
123 complaint of discrimination based upon sex?

124 Vickie Del Bello: [06:50](#) No. It could be looked at differently
125 if it was a pervasive comment occurred more
126 than once, but no, not in that instance.

127 Scott Poerschke: [06:58](#) Okay. One comment in this instance doesn't
128 rise to the level?

129 Vickie Del Bello: [07:02](#) Correct.

130 Scott Poerschke: [07:03](#) Who made that determination?

131 Vickie Del Bello: [07:08](#) There were no findings, so there
132 wasn't a determination to make regarding
133 that comment.

134 Scott Poerschke: [07:12](#) No, I'm not talking about findings. I'm
135 talking about who is the person that made
136 the determination to say that a comment
137 calling Lieutenant Pigeon "a fucking

138 sexist," was not sufficient to rise to the
139 level of being investigated as a
140 discrimination complaint?

141 Vickie Del Bello: [07:31](#) I don't know.

142 Scott Poerschke: [07:39](#) Anything else about the factual basis of
143 that the defendant denies any suggestion
144 that the command staff or administration
145 were not supportive of equal opportunity
146 under the law?

147 Vickie Del Bello: [07:53](#) No, other than all of our leadership
148 and employees follow our policies and
149 procedures.

150 Scott Poerschke: [08:00](#) And that would be the policy and procedures
151 with regards to concerns. Is that right?

152 Vickie Del Bello: [08:06](#) Concerns, and then also really all of
153 our procedures, including our EEO policy.

154 Scott Poerschke: [08:13](#) Okay. Just to clarify, that would be
155 policies with regards to concerns, is that
156 right?

157 Vickie Del Bello: [08:20](#) We have a policy regarding concerns
158 and grievances, yes.

159 Scott Poerschke: [08:24](#) Right. And then you expect your employees
160 follow the policy with relating to
161 concerns, is that right?

162 Vickie Del Bello: [08:31](#) Right. And how they file a complaint,
163 yes.

164 Scott Poerschke: [08:33](#) Okay. But that also means how it is
165 investigated and all of those things?

166 Vickie Del Bello: [08:37](#) Correct.

167 Scott Poerschke: [08:37](#) Okay. And then also that your employees
168 follow the policy of regards to grievances,
169 is that right?

170 Vickie Del Bello: [08:44](#) Correct.

171 Scott Poerschke: [08:45](#) Other than a concern versus grievances, is
172 there anything else that of complaints or
173 officer misconduct are classified as? It's

174 either a concern or a grievance, is that
175 right? There's nothing else.

176 Vickie Del Bello: [08:59](#) Correct. That is how they're
177 classified.

178 Scott Poerschke: [09:01](#) Okay. The next topic is the factual basis
179 for the statement, to the extent that
180 plaintiff is suggesting Taylor took actions
181 contrary to equal opportunity under the
182 law. The allegation is denied. What's the
183 factual basis of that statement?

184 Vickie Del Bello: [09:25](#) Regarding that, there was not a
185 complaint of discrimination by Sergeant
186 Newsome.

187 Scott Poerschke: [09:44](#) That you know of in the HR department, is
188 that correct?

189 Vickie Del Bello: [09:46](#) That's correct.

190 Scott Poerschke: [09:47](#) Okay. Anything else there?

191 Vickie Del Bello: [09:56](#) No.

192 Scott Poerschke: [10:12](#) Okay. In terms of the ... There's another
193 statement that has to do here ... The
194 factual basis for the following statement.
195 Defendant admits that its reasons and
196 concerns were legitimate and not
197 pretextual. What is the college's factual
198 basis for that?

199 Vickie Del Bello: [10:30](#) Can you read that again?

200 Scott Poerschke: [10:32](#) Sure. I'm not trying to trip you up.

201 Vickie Del Bello: [10:35](#) No. Which one are you looking at?

202 Scott Poerschke: [10:38](#) It's number S.

203 Vickie Del Bello: [10:49](#) Basically that the college is saying
204 that the concerns regarding Sergeant
205 Newsome were legitimate concerns that
206 needed to be investigated.

207 Scott Poerschke: [11:02](#) Okay, and what concerns were those?

208 Vickie Del Bello: [11:05](#) The concerns that were brought forward
209 ... The complaints that were brought
210 forward by Sergeant Birch, the one that was
211 investigated regarding Officer Amador's
212 party. And then any other concerns that
213 were investigated independently with the
214 police department.

215 Scott Poerschke: [11:28](#) Okay. But that's outside the scope of the
216 HR department, right?

217 Vickie Del Bello: [11:31](#) Correct.

218 Scott Poerschke: [11:32](#) Okay. T then talks about the factual basis
219 ... The circumstances pertaining to the
220 determination were independently
221 investigated by Sandra Ramirez, vice
222 president of human resources, and further
223 reviewed by Dr. Brenda Hellyer, chancellor
224 of the San Jacinto College district.

225 Vickie Del Bello: [11:57](#) Correct.

226 Scott Poerschke: [12:01](#) I guess ... Then is Sandra Ramirez your
227 boss?

228 Vickie Del Bello: [12:06](#) Yes.

229 Scott Poerschke: [12:06](#) Okay. Dr. Brenda Hellyer is the chancellor,
230 is that right?

231 Vickie Del Bello: [12:12](#) Correct.

232 Scott Poerschke: [12:14](#) Dr. Brenda Hellyer is ... What is
233 chancellor? Is that like the president of
234 the college?

235 Vickie Del Bello: [12:21](#) Right. She's like the CEO, I guess.
236 She's the top level of the college.

237 Scott Poerschke: [12:25](#) Okay. Then that has to do, also, with her
238 termination.

239 Vickie Del Bello: [12:33](#) That has to do with her termination,
240 correct.

241 Scott Poerschke: [12:34](#) Okay. And it's not like a concern or
242 grievance, because she could go to Sandra
243 Ramirez, is that right?

244 Vickie Del Bello: [12:42](#) Regarding Sergeant Newsome's
245 termination, an employee that is terminated
246 can ask for a secondary review of that
247 termination, and those are handled by
248 Sandra Ramirez.

249 Scott Poerschke: [12:57](#) And that time or still?

250 Vickie Del Bello: [12:58](#) Still.

251 Scott Poerschke: [12:59](#) Okay. So, Sandra is still there?

252 Vickie Del Bello: [13:00](#) Yes.

253 Scott Poerschke: [13:01](#) Okay. What was involved in that, with the
254 review by Sandra Ramirez?

255 Vickie Del Bello: [13:10](#) We can go to that because we have all
256 of Sandra's information.

257 Jessica Witte: [13:16](#) Still in tab 17.

258 Vickie Del Bello: [13:17](#) Still in tab 17. On December 18th,
259 Sandra-

260 Scott Poerschke: [13:33](#) What space number document is that?

261 Vickie Del Bello: [13:34](#) This is 080.

262 Scott Poerschke: [13:39](#) I always just kind of chop off the last, so
263 it would be 80.

264 Vickie Del Bello: [13:42](#) 80? Oh, okay. I wasn't sure how.

265 Scott Poerschke: [13:44](#) Yeah, it has a lot of zeros.

266 Vickie Del Bello: [13:49](#) In that document, Sandra wrote up her
267 findings to Dr. Hellyer based on ... It
268 talked about everyone that she had
269 interviewed in the course in reviewing the
270 evidence and the two issues that she was
271 specifically looking at, so one of them
272 would be whether Newsome stated to
273 Lieutenant Pigeon that someone had read the
274 information in her original statement, and
275 this was apparently regarding Officer
276 Mendoza. And then the issue, too, was
277 whether Newsome was provided an opportunity
278 to respond to the complaint of misconduct.

279 Those were the two identifying factors that
280 she was reviewing in the secondary review.

281 Scott Poerschke: [14:47](#) Okay. Is the college-

282

DEL BELLO EXHIBIT 6

1 Scott Poerschke: [00:00](#) ...aware of any other acts taken by Sandra
2 Ramirez that are not reflected, Bates
3 number document 80 through 82.

4 Vickie Del Bello: [00:14](#) No, other than, I'm not aware of
5 anything other than what's in here.

6 Scott Poerschke: [00:18](#) Okay. Then, I, you're speaking for the
7 college on that matter. Is that right?

8 Vickie Del Bello: [00:23](#) Yes.

9 Scott Poerschke: [00:24](#) Okay. What about the, then further reviewed
10 by Brenda Hellyer?

11 Vickie Del Bello: [00:36](#) So, Sandra Ramirez sends her findings
12 to Dr. Hellyer for review. And she also
13 provides a recommendation to Dr. Hellyer.
14 And then Dr. Hellyer will discuss Sandra's
15 review with her and then either make a
16 determination to uphold that recommendation
17 or not.

18 Scott Poerschke: [01:07](#) Okay. And where was the recommendation that
19 Sandra Ramirez gave to Dr. Hellyer?

20 Vickie Del Bello: [01:14](#) So that's 82.

21 Scott Poerschke: [01:16](#) Okay. So 80 to 82 is the actual
22 recommendation to ...

23 Vickie Del Bello: [01:21](#) The findings and the recommendation
24 yes.

25 Scott Poerschke: [01:22](#) Okay. Then, where is the decision.

26 Vickie Del Bello: [01:30](#) That by, is 463, would be the decision
27 from Dr. Hellyer addressed to Mr. Cagle.

28 Scott Poerschke: [01:42](#) Okay, and who is Mr. Cagle?

29 Vickie Del Bello: [01:45](#) Apparently it was the attorney for
30 Kendria Newsome.

31 Scott Poerschke: [01:49](#) Okay, and what is the college, what did Dr.
32 Brenda Hellyer determine?

33 Vickie Del Bello: [01:57](#) So, Dr. Hellyer upheld the
34 determination and at the time, it says,
35 "Due to the dispute over whether she was
36 given an opportunity to respond to the
37 allegations before the termination was
38 implemented. I have made the decision to
39 adjust Sergeant Newsome Byerly termination
40 date and reinstate her effective November
41 10th through today." Then she received back
42 pay through that date.

43 Scott Poerschke: [02:24](#) Okay. What was involved in that?

44 Vickie Del Bello: [02:28](#) From a procedural standpoint or what
45 are you asking, what was involved?

46 Scott Poerschke: [02:33](#) Just in general, what was going on with
47 that back dating or I guess forward dating?

48 Vickie Del Bello: [02:37](#) I think that that's going to be more
49 of a question for the chief because it
50 relates to whether or not a complaint was
51 given to Sergeant Newsome and that kind of
52 follows the police policies.

53 Scott Poerschke: [02:53](#) Okay. Is the action taken ... Is it your
54 testimony that Dr. Brenda Hellyer was the
55 individual that was res- ... That the, let
56 me rephrase that again. Is it your
57 testimony here today, correct me if I'm
58 wrong, that the only documentation that
59 Brenda Hellyer reviewed was the
60 recommendation letter written by Sandra
61 Ramirez as reflected on Bates number
62 document 80 to 82?

63 Vickie Del Bello: [03:37](#) I do not know. I do not know if she
64 was provided additional documentation.

65 Scott Poerschke: [03:43](#) Okay. Is there any policy regarding when
66 Sandra Ramirez, in her role as Vice
67 President of Human Resources, makes a
68 recommendation to Dr. Brenda Hellyer,
69 whether or not what is then Dr. Brenda
70 Hellyer's then goals or what are her
71 responsibilities in that matter?

72 Vickie Del Bello: [04:13](#) So, we do have our secondary review. I
73 don't know if it's in here or not. It's
74 not?

75 Jessica Witte: [04:18](#) It's in the online manual though.

76 Vickie Del Bello: [04:20](#) Okay.

77 Scott Poerschke: [04:22](#) What's the name of the policy called?
78 Secondary review?

79 Vickie Del Bello: [04:29](#) I'll need to look that up. Can I look
80 it up and ...

81 Scott Poerschke: [04:32](#) Sure.

82 Vickie Del Bello: [04:33](#) I mean, I don't know if I can find it.

83 Jessica Witte: [04:35](#) Do you want to take a break?

84 Scott Poerschke: [04:36](#) Sure.

85 Vickie Del Bello: [04:37](#) Okay, then I can ... that'll be good.

86 Scott Poerschke: [04:42](#) Going off the record at 10:41 AM.
87

DEL BELLO EXHIBIT 7

1 David Monroe: [00:01](#) Going back on the record at 10:53 AM.

2 Scott Poerschke: [00:04](#) Okay. Did you have a chance to take a look
3 at that policy we were talking about?

4 Vickie Del Bello: [00:08](#) Yes. And it is policy 415 and its
5 termination or demotion of non contractual
6 employees.

7 Scott Poerschke: [00:21](#) Okay.

8 Vickie Del Bello: [00:23](#) And within that policy there is a
9 section that speaks about asking for a
10 secondary review.

11 Scott Poerschke: [00:31](#) And the secondary review in this instance
12 was the one done by Sandra Ramirez or
13 Brenda Hellyer?

14 Vickie Del Bello: [00:43](#) Sandra Ramirez performs the secondary
15 review and then presents her recommendation
16 to Dr. Hellyer.

17 Scott Poerschke: [00:51](#) Alright. What is the factual basis for the
18 statement defendant denies the
19 determination was discriminatory or that
20 the grounds in support our pre textual?

21 Vickie Del Bello: [01:22](#) So my understanding is that the
22 college is stating that Sergeant Newsome
23 was not terminated for a discriminatory
24 reason. It was strictly performance based.

25 Scott Poerschke: [01:52](#) And what performance, regarding performance
26 based, what does that refer to?

27 Vickie Del Bello: [01:59](#) So within the termination letter, once
28 again, that's 698, it is speaking of the
29 statement, that Newsome stated that she
30 spoke with Sergeant Bond. And that Sergeant
31 Bond had mentioned that someone had
32 mentioned Kendria's information, so that
33 was part of that performance as for as
34 being, accusing someone that was deemed,

35 that was not substantiated or being falsely
36 accused. And then based on that, once
37 again, it called into her credibility,
38 judgment, professionalism, inability to
39 serve as a leader.

40 Scott Poerschke: [03:10](#) Anything else?

41 Vickie Del Bello: [03:12](#) No.

42 Scott Poerschke: [03:32](#) Okay. So then the last topic area have is
43 19. It says the means by which San Jacinto
44 Police Department, or San Jacinto college
45 can't effectively protect an employee who
46 works for the police department from
47 unlawful discrimination or retaliation,
48 should that officer's supervisor choose to
49 disregard the law.

50 Vickie Del Bello: [03:59](#) So once again, that would follow our
51 complaint process in the fact that
52 according to our concerns or grievance,
53 that if an employee believes that they have
54 been discriminated against, then they would
55 bring that forward to the next level leader
56 And that spelled out within that procedure.
57 And if they are not happy with the next
58 level leader, then they're able to continue
59 to take that up their leadership chain. So
60 we do have those protections in place for
61 all employees at the college, including the
62 police department.

63 Scott Poerschke: [04:46](#) Okay. And that would refer in this instance
64 then, the next level would be up the chain
65 of command not the chain I guess, you
66 didn't say command, but up the chain that
67 was referring into the appeals process
68 involved with Ken Lynn at the time period
69 that Sergeant Newsome was an employee of
70 the college?

71 Vickie Del Bello: [05:03](#) Yes.

72 Scott Poerschke: [05:23](#) Now another, Lieutenant Pigeon was
73 testifying, he testified that there were
74 some meetings that the HR department had
75 about Sergeant Newsome. Do you recall any
76 meetings between the HR departments and
77 other members of the police department
78 about Sergeant Newsome?

79 Vickie Del Bello: [05:45](#) No, the only meeting that I recall is
80 the meeting that Gretchen Rapp in had with
81 Chief Taylor. But Chief Taylor was the only
82 one present at the meeting.

83 Scott Poerschke: [06:00](#) Okay. Okay. And then that was, when did
84 that occur?

85 Vickie Del Bello: [06:07](#) That would have occurred in September
86 prior to us issuing Kendria the findings
87 document.

88 Scott Poerschke: [06:20](#) Okay. And I believe the findings document
89 is dated-

90 Vickie Del Bello: [06:20](#) September 10th.

91 Scott Poerschke: [06:22](#) Alright.

92 Vickie Del Bello: [06:22](#) Yes. September 10th.

93 Scott Poerschke: [06:26](#) Okay. And you met with then Chief Taylor
94 prior to issuing that September 10th, 2014
95 document?

96 Vickie Del Bello: [06:37](#) Yes.

97 Scott Poerschke: [06:40](#) How did that meeting go?

98 Vickie Del Bello: [06:42](#) So during that meeting, we'd discuss
99 really basically the same thing that we
100 discussed with Kendria. These are the
101 amount of employees that were interviewed,
102 here is of the complaint what we
103 substantiated and what could not be
104 substantiated and that's basically it.

105 Scott Poerschke: [07:04](#) Okay. Why did you meet with chief Taylor
106 before you met with Kendria Newsome?

107 Vickie Del Bello: [07:09](#) Seems that's the protocol from the
108 standpoint of you don't really want to call
109 an employee in without leadership being
110 aware that you're calling them into human
111 resources and we also needed to inform
112 Chief Taylor that we had completed our
113 investigation.

114 Scott Poerschke: [07:27](#) Okay. Any other meetings regarding Sergeant
 115 Newsome other than this meeting that
 116 happens before September 10th, 2014?

117 Vickie Del Bello: [07:43](#) I don't recall another meeting
 118 regarding Sergeant Newsome.

119 Scott Poerschke: [07:47](#) That could have been with anyone of the
 120 departments or anyone at the college
 121 really. With Ken Lynn or Gretchen Rapp or
 122 Vicky Del Bellow.

123 Vickie Del Bello: [08:01](#) That's me.

124 Scott Poerschke: [08:07](#) I always see [as like a name on all these
 125 documents.

126 Vickie Del Bello: [08:10](#) Yes, I mean at some point, I certainly
 127 would have met with Gretchen regarding the
 128 findings document just to review what they
 129 had found. But as far as meeting with Ken,
 130 no, I didn't meet with Ken regarding
 131 Kendria.

132 Scott Poerschke: [08:28](#) Okay. Did you ever meet with him Chief
 133 Taylor any other time other than that
 134 September 10th meeting and then other than
 135 the termination meeting? Like almost a year
 136 later.

137 Vickie Del Bello: [08:37](#) Just regarding Ken, I mean we have
 138 other meetings obviously, but not just
 139 regarding Kendria, no.

140 Scott Poerschke: [08:43](#) Okay. At any other meeting did the topic of
 141 Sergeant Newsome, Kendria come up?

142 Vickie Del Bello: [08:48](#) I really don't know. That's been-

143 Scott Poerschke: [08:50](#) Okay.

144 Vickie Del Bello: [08:51](#) Along time ago.

145 Scott Poerschke: [08:52](#) And then any other ... I think we've
 146 covered face to face meetings. I think
 147 we've covered meetings with anyone at the
 148 police department about Kendria Newsome. Is
 149 there any other, any other chance other
 150 than the fact that you saw her at other
 151 events, is there anything else that, where

152 the HR department had any involvement with
153 Kendria Newsome? Other than what was
154 already testified to?

155 Vickie Del Bello: [08:52](#) You're talking about with any other
156 complaints regarding Newsome?

157 Scott Poerschke: [09:15](#) I mean, anything. What's the HR involvement
158 with Kendria Newsome is what I'm trying to
159 get at. Other than what's already testified
160 to-

161 Vickie Del Bello: [09:22](#) Right, that's all that, all the
162 specific information. We are always
163 notified whenever there's going to be any
164 type of disciplinary action because it gets
165 sent to us for the personnel file. So we
166 are notified of letters, etc that are
167 coming forward for employees. They're sent
168 to us for the personnel file. So we're
169 involved in that manner.

170 Scott Poerschke: [10:02](#) So I guess in this case, Chief Taylor's
171 corrective action notice as a result of the
172 Rachel Amador incident would have gone into
173 her employee file.

174 Vickie Del Bello: [10:13](#) Yes, mm-hmm (affirmative).

175 Scott Poerschke: [10:13](#) Okay. I guess then are you aware of
176 anything else other than the events
177 surrounding her termination between the
178 time period of the Amador incident and then
179 the time of her termination?

180 Vickie Del Bello: [10:29](#) So within the termination, whenever
181 there is a recommendation to terminate,
182 then the first step that the leader does
183 take is they have to notify human
184 resources. Meaning all leadership within
185 their chain that that is something that
186 they are considering. That they are wanting
187 to terminate, and here's The basis for
188 that. So they do inform us of that, that we
189 are not the decision makers on termination
190 that can only occur through Dr. Hellyer.

191 Scott Poerschke: [11:04](#) Okay. So then you're not aware of any other
192 documents then that came for the HR
193 department other than what we've already
194 testified to, is that ...

195 Vickie Del Bello: [11:17](#) Well, I believe we have ... there's
196 other documents in here regarding the
197 Mendoza incident also, and her writeup for
198 that. So those would have all come through
199 human resources.

200 Scott Poerschke: [11:33](#) Okay right. There's the Mendoza incident
201 and then I think the chief then issued,
202 Chief Taylor then issued a corrective
203 action notice on that one as well.

204 Vickie Del Bello: [11:40](#) An addendum, right.

205 Scott Poerschke: [11:40](#) Addendum.

206 Vickie Del Bello: [11:40](#) Final notice, mm-hmm (affirmative).

207 Scott Poerschke: [11:42](#) Okay. And what was your understanding of
208 that addendum, what that was doing with the
209 Mendoza incident.

210 Vickie Del Bello: [11:48](#) So at times if there is a final notice
211 already in place and another incident
212 occurs within say a year's frame of time,
213 but that based on that incident alone, the
214 leadership is not prepared to make a
215 decision on termination, then they can
216 issue an addendum to that original final
217 notice.

218 Scott Poerschke: [12:20](#) Okay. Other than the time that Sergeant
219 Newsome came into the HR department and
220 spoke with Tracey Willis, is there any in
221 your capacity as director of the HR
222 department, is there any other time that
223 Sergeant Newsome then reached out to the HR
224 department?

225 Vickie Del Bello: [12:40](#) Not that I recall.

226 Scott Poerschke: [12:46](#) What about from the standpoint of the HR
227 department as a whole?

228 Vickie Del Bello: [12:51](#) That I wouldn't know because we're
229 located in different sections and he could,
230 we have many facets to human resources. So
231 she could have reached out on other topics
232 that I wouldn't be aware of.

233 Scott Poerschke: [13:06](#) So when you testify from the standpoint of
234 the knowledge of the agency of the HR
235 department, not the agency, but the HR
236 department and you're saying then the HR
237 department does not know of any other times
238 where Newsome then reached out to HR.

239 Vickie Del Bello: [13:24](#) So I would have to clarify that that
240 would be in my area. I do not know if they
241 reached out regarding ... They obviously
242 speak if they're trying to hire an officer
243 they're speaking with our employment
244 department.

245 Scott Poerschke: [13:40](#) Right, but I mean I'm talking about Kendria
246 Newsome.

247 Vickie Del Bello: [13:42](#) Right. So she could have reached out
248 to our employment department because she
249 could have been hiring an officer as a
250 Sergeant, but I'm not going to know about
251 those conversations.

252 Scott Poerschke: [13:52](#) Okay, what about any time that Sergeant
253 Newsome reached out about, did she ever
254 reach out to the HR department about
255 anything regarding Chief Taylor
256 specifically?

257 Vickie Del Bello: [14:02](#) That would have been within my area
258 and I do not recall her reaching out to our
259 area at all.

260 Scott Poerschke: [14:07](#) Okay. What about with Lieutenant Pigeon?

261 Vickie Del Bello: [14:10](#) Only the time that she came in and
262 spoke to Mrs. Willis, which would have been
263 in August of 2015.

264 Scott Poerschke: [14:17](#) Right, but other than that?

265 Vickie Del Bello: [14:18](#) No.

266 Scott Poerschke: [14:18](#) You do not know? You're saying no or you
267 don't know?

268 Vickie Del Bello: [14:23](#) I'm saying not that I'm aware of.

269 Scott Poerschke: [14:25](#) Okay.

270 Vickie Del Bello: [14:26](#) So you're not aware of any other time
271 other than that August, 2015 time period
272 that a Kendria Newsome reached out to Tracy
273 Willis?

274 Scott Poerschke: [14:34](#) Correct.

275 Vickie Del Bello: [14:35](#) And I think that would be in terms of
276 any issues that Kendria Newsome was having
277 with Chief Taylor, then ...

278

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1 Scott Poerschke: [00:02](#) Which relates specifically to our
2 employment with the college and problems
3 that she might be experiencing, then the
4 only time that you're aware of is that
5 August 2015 where Kendria Newsome reached
6 out to Tracey Willis, is that right?

7 Vickie Del Bello: [00:21](#) Yes.

8 Scott Poerschke: [00:21](#) Okay. And in terms of if she did reach out
9 other times, you don't know that
10 information.

11 Vickie Del Bello: [00:27](#) Correct. Correct.

12 Scott Poerschke: [00:28](#) Okay. Pass the witness.

13 Jessica Witte: [00:28](#) No questions your honor.

14 Scott Poerschke: [00:45](#) Okay, go off the record.

15 David Monroe: [00:46](#) All right, going off the record at 11:09
16 AM. Depo is concluded?

17 Scott Poerschke: [00:52](#) Depo is concluded.

18 David Monroe: [00:53](#) All right.

19